



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,862	11/08/2001	L. Mark Ernest	FIS9-2000-0304	2036

7590 10/07/2003

George R. Pettit Connolly Bove Lodge & Hutz LLP
P.O. Box 19088
Washington, DC 20036-3425

EXAMINER

VAN DOREN, BETH

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/005,862

Applicant(s)

ERNEST ET AL.

Examiner

Beth Van Doren

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Advisory Action

This Advisory Action is in response to communications received on September 11, 2003.

Applicant has argued that Agrawal et al. (EP 0 895 169 A2) does not teach or suggest (1) any component which makes up an integrated information technology system, nor any method or device for determining its usage, but instead workflow management systems directed towards the simulation and evaluation of business processes, (2) the elements of claim 1, (3) a relationship table identifying components used in providing each service, as discussed in claim 4, or (4) an agent associated with each of the components, as discussed in claim 10.

In response to argument (1) of the Applicant, Examiner respectfully disagrees. An integrated information technology system, by definition, is any form of technology used to create, store, exchange, and use information in its various forms (for example, business data) by bringing together this information. Examiner asserts that a workflow management system comprised of different valuation and functional components that simulate and evaluate business processes and bring together this collected data is an integrated information technology system. Furthermore, Agrawal et al. discusses a valuation function that associates the service produced by the process with the components that make up the process, therefore teaching a method and device for determining usage. The businesses at which the workflow management system (WFMS) is implemented have varying services, the WFMS applicable to a specific service of each business. The valuation function of the WFMS is used to assess each component (each component is tasks/processes with associated activities) and the overall IT system (the

Art Unit: 3623

entire workflow that results in the completion of the service). See at least figures 1, 3, and 4, column 7, lines 15-18, column 11, lines 42-53, column 13, lines 1-6, 18-24, 31-42 and 48-57, column 14, lines 18-24 and 44-55, column 15, lines 2-10, 33-41, and 47-52, column 17, lines 33-45, and column 18, lines 1-12.

In response to argument (2) of the Applicant, Examiner respectfully disagrees and reasserts the rejection set forth in the previous office action.

In response to argument (3) of the Applicant, Examiner respectfully disagrees. Agrawal et al. teaches that a relationship chart is constructed after each process and component assessment, this chart identifying the relationship between the components and their usage in the overall output of the process. A change management process allows the relationship tables to evolve as the process and component data updates over time by reanalyzing the patterns. A configuration management process maintains the relationship charts and updates the charts as it is fed the analysis of the updated data. See at least figures 2-4, column 9, lines 45-58, column 10, lines 2-15, column 11, lines 42-55, column 13, lines 31-42 and 49-55, column 14, lines 1-6, 18-24, and 44-58, column 16, lines 4-16 and lines 33-48, column 17, lines 1-5 and 33-45, and column 18, lines 1-12.

In response to argument (4) of the Applicant, Examiner respectfully disagrees and reminds the applicant that the claim broadly recites the term “agent” in the limitations “an agent associated with each of the components, said agent identifying each transaction of a service performed by said IT infrastructure” and “an information collection system for collecting from said agents transaction information relating to each service performed, said system determined from said transaction information which of said components are involved in said transaction”. In both cases, the term “agent”, taken in its broadest

Art Unit: 3623

reasonable interpretation, is a program that performs a background task for a user and reports to the user then the task is done or a program that searches through repositories of information on a topic specified by the user. Therefore Agrawal et al. does teach this interpretation of an agent in at least column 9, lines 46-58, column 10, lines 1-10, and column 14, lines 35-55, which discloses a means for accumulating each component's transaction data, as directed by a user and reported to a user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bvd

bvd

September 30, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800